



July 14, 2020

Delivery by E-mail

Judge Richard M. Clark
U.S. Department of Labor
Office of Administrative Law Judge
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

Re: OFCCP v. Oracle America, Inc.; 2017-OFC-00006

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Dear Judge Clark:

This letter responds to the Court's July 7, 2020 Order Regarding Format of Exhibits. Pursuant to an e-mail exchange among the parties, Oracle is resubmitting material from the defense exhibits listed in the order, and understands OFCCP will resubmit materials from the listed plaintiff's exhibits. We understand that each of the resubmitted exhibits (whether from the plaintiff's or defense exhibit lists) will be treated the same for sealing purposes as was the corresponding original exhibit – including that PX 434, PX 435, PX 469, PX 470, DX 336, DX 337, DX 338, DX 339, DX 340, and DX 341 will remain sealed in their entirety.

We write to provide a brief overview of the materials that Oracle is resubmitting. We are happy to answer any further questions that the Court may have after it receives and reviews these materials.

- DX 203 ("Native SCORM file Anti-Discrimination and Anti-Harassment Training") & DX 204 ("Native SCORM file Anti-Discrimination and Anti-Harassment Training") – These files were originally submitted in their native form, which required proprietary software to open. In order to fulfil the Court's request, Oracle accessed these native files and converted each page of the underlying trainings to a PDF. Each PDF page was then consolidated into the exhibits we now resubmit. As such, there is no direct correlation between the originally submitted files and the converted documents Oracle submits today. Oracle represents to the Court that the attached exhibits are the entire substantive content of DX 203 and DX 204.
- DX 245 (backup for a program that assists in predicting gender from names) – We have converted the .gz file in this .zip exhibit folder into a series of documents each in PDF form. The other file in this .zip exhibit folder is already in PDF form, and thus we understand it to be already fully accessible to the Court.
- DX 336 (backup files for Madden report), DX 337 (backup files for Madden rebuttal), DX 338 (backup files for Saad report), & DX 339 (backup files for Saad rebuttal) – These .zip exhibit folders generally contain three types of files: (1) the datasets used by the experts' statistical software, (2) the statistical programs they ran, and (3) the outputs of those statistical analyses. We have not converted/resubmitted the datasets contained within these .zip folders, as they are

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simply too voluminous and are largely duplicative of evidence otherwise in the record (including, for example, the actual compensation data actually produced by Oracle). Rather, we have converted and resubmitted the programs and outputs used by the experts to the extent not already in PDF or Microsoft Office Suite form. We also did not convert .csv files, as these files can be opened by Microsoft Excel. Included with Oracle's resubmission of the relevant exhibits is a detailed list of the files within each .zip exhibit folder and an indication of which were converted (and to what new format), entitled "OFCCP v. Oracle] 2020.07.14 Addendum re Reformatted DX Exhibits.xlsx".

- DX 340 (backup files for SAC analyses) – We have converted the six .do files in this .zip exhibit folder into PDF form. The other files in this .zip exhibit folder are already in PDF or Microsoft Office Suite form, and thus we understand them to be already fully accessible to the Court.
- DX 341 (backup files for NOV analyses) – This .zip exhibit folder contains four files, each of which was already in PDF or Microsoft Office Suite form. Thus, we are not resubmitting this exhibit as we understand its contents are already fully accessible to the Court.

Respectfully submitted,

A handwritten signature in blue ink that reads "Erin M. Connell".

Erin M. Connell

Enclosures (delivered via LiquidFiles)

cc: Laura C. Bremer (via email)
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